
Statement of the case.

be construed not absolutely but reasonably with regard to the circumstances of each particular case. Viewed in that light, inevitable accident may be regarded as an occurrence which the party charged with the collision could not possibly prevent by the exercise of ordinary care, caution, and maritime skill.* Regarding these cases as sufficient to show that a collision resulting from the darkness of the night and without the fault of either party, is properly to be regarded as an inevitable accident, we forbear to pursue the investigation, and wish only to add that we have no doubt the case was correctly decided in the Circuit Court.

The decree of the Circuit Court is therefore,

AFFIRMED WITH COSTS.

GORDON v. UNITED STATES.

No appeal lies to this court from the Court of Claims.

GORDON, administrator of Fisher, presented a petition in the Court of Claims of the United States, for damages done to him by troops of our Government, in the war of 1812 with Great Britain. The Court of Claims decided against him, and he appealed to this court. The case was argued in favor of the right of appeal by *Messrs. Gooderich and Winter Davis*; no counsel appearing on the other side. A majority of the court, however,† finding itself constrained to the conclusion that, under the Constitution, no appellate jurisdiction over the Court of Claims could be exercised by this court, and intimating that the reasons which necessitated this view might be announced hereafter—the term being now at its close—the cause was simply

DISMISSED FOR WANT OF JURISDICTION.

* The *Virgil*, 1 W. Robinson, 205; The *Juliet Erskine*, 6 Notes of Cases, 634; The *Shannon*, 1 W. Robinson, 463; Same Case, 7 Jurist, 380.

† Miller and Field, JJ., dissenting.